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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/010,112 | 11/13/2001 | Andrew R. Ferlitsch | 10237.10 | 4303 |
| 21999 | 7590 | 08/12/2005 | EXAMINER | |
| KIRTON AND MCCONKIE 1800 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE P O BOX 45120 SALT LAKE CITY, UT 84145-0120 | | | QIN, YIXING | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2622 | |

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,112

Applicant(s)

FERLITSCH, ANDREW R.

Examiner

Yixing Qin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/8/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claims 29-33 are considered non-statutory because they relate to a "computer program product for..." Please see more below :

(A) The following claim format is unacceptable and subject to a 101 rejection:

"A computer program product for performing the steps of ..."

Such a claim is non-statutory because the terminology "computer program product" alone has no set definition.

(B) The following claim formats are acceptable and not subject to a 101 rejection:

"A computer program embodied in a computer readable medium for performing the steps of ..."

"A computer readable medium storing a program for performing the steps of..."

A statutory product with descriptive material must include a positive recitation of the computer readable medium – MPEP 2106, case law, USPTO policy, all are founded on this.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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I. Claims 1-10 and 22-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al (U.S. Patent No. 6,457,640 – “Ramachadran”) in view of Kurijai et al (U.S. Patent No. 6,618,566 – “Kurijai”).

1. Claims 1, 22, and 29

- One can see in Fig. 1 of Ramachandran a computer processor 12 in the center, and a printer system 64 on the middle left side
- Ramachandran discloses in column 5, lines 56-61 that a user may manipulate and/or print image files.
- Ramachandran discloses in column 4, lines 50-53 that a fee is charged for outputting (which one would understand can be printing as suggested above).
- Ramachandran does not explicitly disclose the details of spooling. However, the secondary reference, Kurijai discloses in Fig. 14 S1402 and S1411 that job accounting occurs before print processing (which Kurijai discloses in column 12, lines 7-8 is the transmission of the data to the spooler – meaning that spooling/despooling has not occurred).
- Both references disclose systems for analyzing cost of printed items. Therefore, it would have been obvious to one of ordinary skill in the art to employ Kurijai's spooling technique in Ramachandran's invention. The motivation would be to let an user know how much a job is to cost (since the user may not be able/does not want to pay for it, etc.) before using valuable time spooling a job.

2. Claims 2 and 30

- Ramachandran discloses in column 7, lines 23-29 that a credit card may be used. Although Ramachandran does not disclose the determination of funds, it is well known that credit cards can get denied if over the spending limit. If not, then, obviously, funds would be charged.

3. Claims 3 and 31

- As shown above, lines 28-29 discloses that other medium that contains account or user identification information may be used (i.e. authentication).

4. Claim 4

- Ramachandran discloses in column 15, lines 5-12 that a user may be required to enter a PIN number.

5. Claim 5

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- The above-mentioned PIN number is essentially a password.

6. Claim 6

- Ramachandran discloses the authentication of user/account information as mentioned above. However, Ramachandran does not mention the passing of this information.
- Kurijai discloses in Fig. 14 S1408 and column 11, lines 53-60 that authentication can take place on a printer with the job accounting function. One can see in Fig. 4 of Kurijai the information that is processed. Although this is not necessarily a spooler, the job accounting function is part of a printer, likely in the form of a module. It seems that the goal of the spooler in the applicant's specification is to, in part, perform authentication functions, which is also the goal of the job accounting function in Kurijai's invention. One of ordinary skill would know that a module such as a job accounting function can be combined with a spooler module to perform both authentication and spooling functions.

7. Claim 7

- Kurijai discloses in column 11, lines 56-60 that a job accounting client application 205 is used to transmit the information.

8. Claims 8 and 32

- One can see in Fig. 14 S1408 and S1409 of Kurijai that when authentication fails, a display message is sent and that print processing (S1411) does not occur.

9. Claims 9, 25 and 26

- Kurijai discloses in column 3, lines 38-43 that the job accounting function can accumulate and manage a plurality of items (i.e. parse data).
- The Examiner would like to note that the module (job accounting function, a spooler, or print driver) in which the parsing of data takes place is a matter of design, since one of ordinary skill knows how to combine functional units together (i.e. putting a job accounting capabilities into a spooler can simply be combining the two modules together into one module).

10. Claims 10 and 33

- Again, from the above lines mentioned in claim 9, a requirement can be color/monochrome printing, and assembly characteristics can be double/single side printing. The number of pages is also disclosed.

11. Claim 23

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- One can see in Fig. 1 of Ramachandran that a computer processor is connected to a printing system 64 through a network inside the ATM.

12. Claim 24

- Again, in Fig. 1 of Ramachandran, one can see that a digital information source connected to the ATM. This can read on a server connected to a client.

13. Claims 27 and 28

- Again, Kurijai simply discloses a printer with a job accounting function in item 104 of Fig. 2 but does not say that it is part of a print processor or spooler. However, as mentioned in similar fashion in claims 9, 25 and 26 above, one of ordinary skill can simply combine modules/functional units into one unit (i.e. put the job accounting functional unit into a print processor or spooler).

II. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al (U.S. Patent No. 6,457,640 – “Ramachadran”) in view of Kurijai et al (U.S. Patent No. 6,618,566 – “Kurijai”) and further in view of the applicant’s specification.

14. Claims 11, 12 and 13

- Neither Ramachandran nor Kurijai discloses the counting of EMF pathnames. However, the applicant’s specification discloses in page 19, lines 1-5 that in the Windows 9X family, the spool data file contains pathnames to each EMF page. On page 22, lines 9-13, the applicant’s specification discloses that in commonly known page description languages, the page data is parsed and boundaries are identified. On page 25, lines 16-18 the applicant’s specification discloses that in the NT/2K family, the spool data file contains a linked index to the file offset. Since all the information is already provided by the OS or by commonly known page description languages, it would have been obvious to one of ordinary skill to simply count up the provided information.

III. Claims 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramachandran et al (U.S. Patent No. 6,457,640 – “Ramachadran”) in view of Kurijai et al (U.S. Patent No. 6,618,566 – “Kurijai”) and further in view of Shaw et al (U.S. Patent No. 5,602,974 – “Shaw”).

15. Claim 14

- Kurijai discloses in Fig. 14 S1401 and column 11, lines 16-17 that the print driver receives a print instruction.
- Neither Ramachandran nor Kurijai, however, goes into details about the format of the file when being spooled. The tertiary reference, Shaw, discloses in the abstract the spooling of an EMF (i.e. journaled data) file. Shaw also discloses in Fig. 1 that the EMF contains various data. Please also see column 3 – column 5 lines 1-30 and the various tables contained within.

16. Claim 15, 17 , 19 and 21

- Shaw discloses in column 9, lines 24-27 the de-spooling of a document to a printer, which one would understand would have a print processor.

17. Claim 16

- Shaw discloses in column 1, lines 12-18 that raw data are conventionally used.

18. Claims 18 and 20

- The first two limitations were addressed in claim 15 above.
- Shaw further suggests in column 6, lines 44-48 that a router sends information from a local spooler to a print server spooler, which indicates that a job is spooled at a local (i.e. client) spooler. Although Shaw does not explicitly disclose the de-spooling of the file locally, it would be obvious to one of ordinary skill since the de-spooling process can just as easily be implemented on a local computer instead of a server computer.
- Shaw discloses in column 9, lines 22-27 that a background process in a print server queues print jobs.
- Again, Shaw discloses both EMF and raw data types.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381.


The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YQ


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